



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 24, 1994

Mr. Brad Rockwell  
Patton, Boggs & Blow  
100 Congress Avenue, Suite 2100  
Austin, Texas 78701

OR94-669

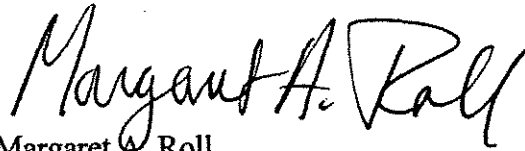
Dear Mr. Rockwell:

Last year, in Open Records Letter No. 93-473 (1993) (copy enclosed), this office addressed the availability under the Texas Open Records Act, Gov't Code ch. 552, of certain information requested of the Grand Prairie Metropolitan Utility and Reclamation District of Dallas County (the "district"), which you represent. The information at issue in that ruling included lists of certain bondholders, information relating to the district's default on certain bonds, minutes of the district's board of directors, district election records, and certain financial information. We concluded in Open Records Letter No. 93-473 that the district's failure to request a decision within the 10 days mandated by section 552.301 of the Government Code (formerly V.T.C.S. art. 6252-17a, § 7(a)) constituted a waiver of some of the exceptions to required public disclosure that you asserted. *See* Gov't Code § 552.302 (creating presumption of openness); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982).

We deferred our decision, however, on whether the district, in failing to meet the 10-day deadline, also waived section 552.107 of the Government Code, the "attorney-client privilege" exception. We severed that portion of the request pending the issuance of an open records decision that dealt with the same issue. That decision has since been issued in Open Records Decision No. 630 (1994) (copy enclosed). In it this office concludes that a governmental body's failure to meet the 10-day deadline set forth in section 552.301 of the Government Code constitutes a waiver of the attorney-client privilege. In light of this decision, we now conclude that the district must release the information it sought to withhold under section 552.107 of the Government Code.

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Margaret A. Roll". The signature is written in a cursive style with a large, stylized "M" and "R".

Margaret A. Roll  
Assistant Attorney General  
Opinion Committee

MAR/GCK/rho

Ref.: ID# 21341

Enclosures: Submitted documents  
Open Records Letter No. 93-473  
Open Records Decision No. 630 (1994)

cc: Mr. David P. Blanke  
Vinson & Elkins  
3700 Trammell Crow Center  
2001 Ross Avenue  
Dallas, Texas 75201-2975  
(w/o enclosures)